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August 4, 2008

**BY ECF and FIRST CLASS MAIL**

Hon. John E. Sprizzo  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Shlomo Gavey v. Israel Goldberg et al.*  
USDC SDNY  
Civil Action No.: 08 CV 3000 (JES)

Honorable Sir:

This office represents Plaintiff Shlomo Gavey in the above-captioned action. Owing to recent illness, the undersigned was absent from his office, and did not previously respond to the July 22, 2008 letter to the Court of Defendants' counsel.

Said July 22, 2008 letter requested a pre-motion conference seeking leave of the Court to file a third-party Complaint against the undersigned and others. As leave has been granted to Defendants to so move, the issues raised by said application – the intent of which is to leave Plaintiff unrepresented by counsel of his choice - will be addressed in the papers to be submitted in opposition to such forthcoming motion.

The undersigned, however, respectfully points out at this juncture that the allegations made by Defendants' counsel in said July 22, 2008 letter are not only factually false and legally meaningless, but also a dilatory tactic as the Conference scheduled to be held in this matter on June 24, 2008 was adjourned at the direction of the Court until October 2, 2008 so that the parties would conduct their first round of discovery during such period. Defendants, however, failed to serve any discovery demands and waited until their responses to Plaintiff's discovery demands were due before writing their said July 22, 2008, letter almost a month after said June 24, 2008 original Conference date. Despite demand, Defendants refuse to proceed with discovery.

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Accordingly, the undersigned requests a pre-motion Conference for leave to move for appropriate relief in light of Defendants' failure and refusal to comply with their outstanding discovery obligations.

Respectfully submitted,

Nathan M. Ferst

c: Andrew S. Kowlowitz, Esq.